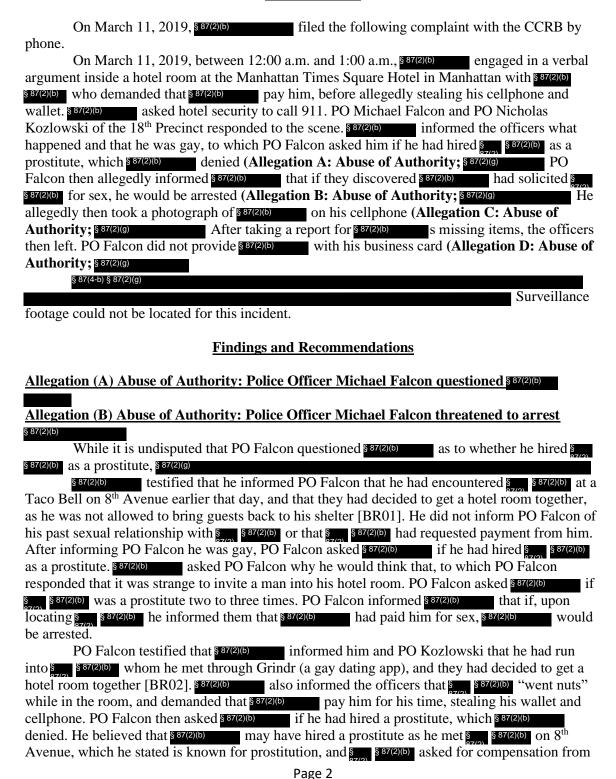
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	ΠБ	orce	П	Discourt.	□ U.S.
Genevieve Lamont		Squad #8	201902083	☐ ☑ A	buse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		Pre	ecinct:	18	Mo. SOL	EO SOL
Monday, 03/11/2019 1:00 AM		Manhattan Times Square Hotel			18	9,	/11/2020	4/28/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	: D	ate/Time	Rece	eived at CCI	RB
Mon, 03/11/2019 8:05 AM		CCRB	Phone	M	Ion, 03/1	1/201	9 8:05 AM	1
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Michael Falcon	14123	954788	MTN PCT					
2. POM Nicholas Kozlowski	13917	960773	MTN PCT					
Officer(s)	Allegati	on			Inve	stiga	tor Recon	nmendation
A.POM Michael Falcon	Abuse: Police Officer Michael Falcon questioned § 87(2)(b)							
B.POM Michael Falcon	Abuse: Police Officer Michael Falcon threatened to arrest \$87(2)(b)							
C.POM Michael Falcon	Abuse: Police Officer Michael Falcon took a photograph of § 87(2)(b)							
D.POM Michael Falcon	Abuse: Police Officer Michael Falcon failed to provide with a business card.							
§ 87(4-b), § 87(2)(g)								

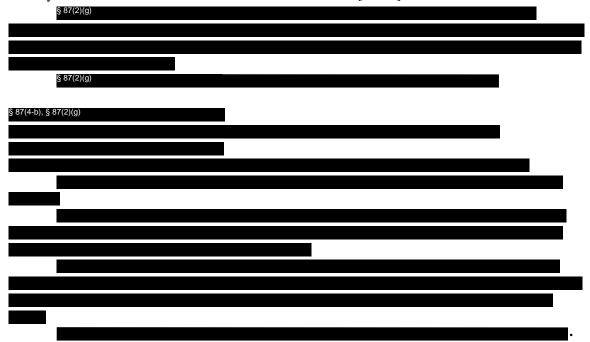
Case Summary



He denied threatening to arrest \$87(2)(6) was hired as a prostitute. PO Kozlowski was present during this interaction, and was consistent with PO Falcon's testimony [BR03].
According to Patrol Guide Procedure 212-11, a common law right of inquiry is an
encounter between a civilian and a uniformed member of service conducted for the purpose of
asking the civilian pointed or accusatory questions because the police officer has a "founded
suspicion" that criminal activity is afoot. "Founded suspicion" is defined in the Patrol Guide as when there is some present indication of criminality based on observable conduct or reliable
hearsay information [BR04].
As per NY CLS Penal Code §230.04, a person is guilty of patronizing a person for
prostitution in the third degree when he or she patronizes a person for prostitution. [BR15].
§ 87(2)(g)
§ 87(2)(g)
Allegation (C) Abuse of Authority: Police Officer Michael Falcon took a photograph of
§ 87(2)(b)
§ 87(2)(g)
testified that after PO Falcon asked if he hired a prostitute, PO Falcon took a
photograph of him on his cellphone [BR01]. PO Falcon did not request permission to take stating there was no stating there was no
reason to [BR02]. PO Kozlowski did not observe PO Falcon take a photograph of \$87(2)(6)
[BR03].
§ 87(2)(g)
Allegation (D) Abuse of Authority: Police Officer Michael Falcon failed to provide SE7(2)(b)
with a business card.
It is undisputed that PO Falcon did not provide §87(2)(b) with his business card at the conclusion of the incident.
testified that after a report was taken for his cellphone, he requested PO
Falcon's name, which was provided [BR01]. PO Falcon did not provide a business card to
§ 87(2)(b)
PO Falcon testified that he did not provide his business card to \$87(2)(b) as he did not
ask for one and the incident did not involve a stop, question, and frisk [BR06]. PO Falcon was equipped with business cards during the incident. PO Kozlwoski testified that PO Falcon was
Page 3

equipped with business cards during the incident, but did not provide one, as the incident did not require him to and [887(2)(b)] did not request one [BR03].

According to Patrol Guide Procedure 203-09, a member of service must offer a business card, except in cases when a summons is issued or an arrest is made, for noncustodial questioning of individuals suspected of criminal activity [BR07]. Additionally, NYC Administrative Code §14-174 requires that a police officer, in instances of noncustodial questioning of individuals suspected of criminal activity, must offer a business card to such person at the conclusion of such activity if an arrest is not made or a summons is not issued [BR08].



Civilian and Officer CCRB Histories

- \$87(2)(b) has been party in one other CCRB complaint, \$87(2)(b)
- PO Falcon has been a member of service for five years, and has been subject in one previous CCRB complaint and one allegation, which was not substantiated. §87(2)(9)
- PO Kozlowski has been a member of service for three years. This is the first CRRB complaint in which he has been a subject. §87(2)(9)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On June 28, 2019, a FOIL request was sent to the New York City Office of the Comptroller to determine if a Notice of Claim was filed regarding this complaint [BR10].

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[§ 87(2)(D)] [§§ 86	5(1)(3)&(4)] [§ 87(2)(C)]		
Squad No.:			
Investigator:			
mvesiigator	Signature	Print Title & Name	Date
Squad Leader:			
	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date

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